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CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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ARISTA RECORDS LLC; UMG  
RECORDINGS, INC.; INTERSCOPE  
RECORDS; and ELEKTRA  
ENTERTAINMENT GROUP INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JCS

ARISTA RECORDS LLC, a Delaware limited  
liability company; UMG RECORDINGS, INC.,  
a Delaware corporation; INTERSCOPE  
RECORDS, a California general partnership;  
and ELEKTRA ENTERTAINMENT GROUP  
INC., a Delaware corporation,  
Plaintiffs,

v.

JOHN DOE,

Defendant.

CASE NO.

**EX PARTE APPLICATION FOR LEAVE  
TO TAKE IMMEDIATE DISCOVERY**

1 Plaintiffs, through their undersigned counsel, pursuant to Federal Rules of Civil Procedure 26  
 2 and 45, the Declaration of Carlos Linares, and the authorities cited in the supporting Memorandum  
 3 of Law, hereby apply *ex parte* for an Order permitting Plaintiffs to take immediate discovery.

4 In support thereof, Plaintiffs represent as follows:

5 1. Plaintiffs, record companies who own the copyrights in the most popular sound  
 6 recordings in the United States, seek leave of the Court to serve limited, immediate discovery on a  
 7 third party Internet Service Provider ("ISP") to determine the true identity of Defendant, who is  
 8 being sued for direct copyright infringement.<sup>1</sup>

9 2. As alleged in the complaint, Defendant, without authorization, used an online media  
 10 distribution system to download Plaintiffs' copyrighted works and/or distribute copyrighted works to  
 11 the public. Although Plaintiffs do not know the true name of Defendant, Plaintiffs have identified  
 12 Defendant by a unique Internet Protocol ("IP") address assigned to Defendant on the date and time  
 13 of Defendant's infringing activity.

14 3. Plaintiffs intend to serve a Rule 45 subpoena on the ISP seeking documents that  
 15 identify Defendant's true name, current (and permanent) address and telephone number, e-mail  
 16 address, and Media Access Control ("MAC") address. Without this information, Plaintiffs cannot  
 17 identify Defendant or pursue their lawsuit to protect their copyrighted works from repeated  
 18 infringement.

19 4. Good cause exists to allow Plaintiffs to conduct this limited discovery in advance of a  
 20 Rule 26(f) conference where there are no known defendants with whom to confer.

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 25 <sup>1</sup> Because Plaintiffs do not yet know Defendant's true identity, Plaintiffs are unable to  
 26 personally serve Defendant with a copy of this motion. Instead, Plaintiffs will serve the Clerk of  
 27 Court pursuant to Fed. R. Civ. P. 5(b)(2)(D) ("A paper is served under this rule by . . . leaving it with  
 28 the court clerk if the person has no known address.") and will serve Defendant's ISP with a copy of  
 this motion. Additionally, if the Court grants this motion, Plaintiffs will ask the ISP to notify the  
 Defendants of the subpoena and provide Defendant with an opportunity to object.

1 WHEREFORE, Plaintiffs apply *ex parte* for an Order permitting Plaintiffs to conduct the  
2 foregoing requested discovery immediately.

3  
4 Dated: March 27, 2008

HOLME ROBERTS & OWEN LLP

5  
6 By: 

MATTHEW FRANKLIN JAKSA  
Attorney for Plaintiffs  
ARISTA RECORDS LLC; UMG  
RECORDINGS, INC.; INTERSCOPE  
RECORDS; and ELEKTRA  
ENTERTAINMENT GROUP INC.